

	)	Chapter 11
In re:	)	
	)	Case No. 18-50757
FIRSTENERGY SOLUTIONS CORP., <i>et al.</i> , <sup>1</sup>	)	(Jointly Administered)
	)	
Debtors.	)	
	)	Hon. Judge Alan M. Koschik
	)	

I, SCOTT L. ALBERINO, being duly sworn, state the following under penalty of perjury:

2. I am duly authorized to make this supplemental declaration (the “Second Supplemental Declaration”) on behalf of Akin Gump in further support of the *Application to Employ Akin Gump Strauss Hauer & Feld LLP as Co-Counsel to the Debtors and Debtors in*

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*Possession* [Docket No. 234] (the “Application”).<sup>2</sup> I submit this Second Supplemental Declaration in accordance with Bankruptcy Code sections 327(a), 328(a) and 330, Bankruptcy Rules 2014(a) and 2016(b), and Local Rule 2016-1. Except as otherwise noted, I have personal knowledge of the matters set forth herein.

3. On April 6, 2018, the Debtors filed the Application, together with, among other things, the *Declaration of Scott L. Alberino*, dated April 6, 2018, attached to the Application as Exhibit B (the “Alberino Declaration”). I previously submitted a supplemental declaration (the “First Supplemental Declaration”) on April 23 to supplement the parties searched and other information contained in the Application *see Supplemental Declaration of Scott L. Alberino in Support of the Debtors’ Application for Entry of an Order Authorizing the Retention of Akin Gump Strauss Hauer & Feld LLP as Co-Counsel to the Debtors and Debtors in Possession Nunc Pro Tunc to the Petition Date* [Docket No. 394].

4. Set forth on Schedule 1, annexed hereto, is a supplemental listing of those additional parties that have been identified which were not already included in the Schedule 1 attached to the Alberino Declaration and the First Supplemental Declaration, and searched, by Akin Gump since the filing of the Alberino Declaration and the First Supplemental Declaration (the “Searched Parties”). Set forth on Schedule 2, annexed hereto, is a list of those Searched Parties that Akin Gump either (a) currently represents (or represents a related party thereto) in matters wholly unrelated to the chapter 11 cases, and/or (b) has in the past represented (or represented a related party thereto) in matters wholly unrelated to the chapter 11 cases. Set forth on Schedule 3, annexed hereto, is a listing of those Searched Parties that are currently, or may have in the past been, adverse to clients (or represents a related party thereto) of Akin Gump in

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<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meaning ascribed to them in the Application.

matters wholly unrelated to the chapter 11 cases. Set forth on Schedule 4, annexed hereto, is a listing of those Searched Parties that currently serve or have served on informal and/or official creditors' committees (or represents a related party thereto) represented by Akin Gump.

*[Remainder of page intentionally left blank.]*

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on June 27, 2018, in Washington D.C.

Respectfully submitted,

By: Scott L. Alberino  
Scott L. Alberino  
A Partner of the Firm

## **Schedule 1**

### **Schedule of Searched Parties<sup>1</sup>**

#### **Parties Listed on Filed 2019 Statements, as of June 21, 2018**

Citadel Equity Fund Ltd.  
FIAM, LLC

Fidelity Institutional Asset Management  
Trust Company

#### **Notice of Appearance Parties, as of June 21, 2018**

ERM-West, Inc.  
Marcus Thomas LLC

PJM Interconnection, L.L.C.

#### **Lease Counterparties**

Akron Barberton Cluster Railway Company  
Beaver Valley Airport Authority

Norfolk Southern Railway Company

#### **Litigation Parties**

Anthony Bailes, Inc.  
Edwards, Joseph (Executor of Estate)  
Elliott, Lola  
Johnson, Brianna

Meincke, Mark  
Shirley, Mildred (Executrix of the Estate)  
Swagelok Company

#### **Rejected Contracts and Leases Parties**

Central Montana Rail, Inc.  
GATX Financial Corporation  
Kiski Junction Railroad  
Norfolk Southern Railway Company

Transkentucky Transportation Railroad, Inc.  
Viper Rail Car Storage

#### **Accounts Payable**

Foresite Energy  
Huxtable Consulting, LLC  
Murray American Energy, Inc.

<sup>1</sup> Only new entities not run in the original conflicts check are included on these supplemental schedules.

## **Schedule 2**

### **Schedule of Searched Parties and/or Certain Related Parties that Akin Gump Currently Represents, or Has in the Past Represented, in Matters Unrelated to these Chapter 11 Cases**

#### **Parties Listed on Filed 2019 Statements, as of June 21, 2018**

*Akin Gump has in the past represented and currently represents the following companies and/or certain related parties of such companies on matters wholly unrelated to the Debtors' chapter 11 cases:*

Citadel Equity Fund Ltd.  
FIAM, LLC

Fidelity Institutional Asset Management  
Trust Company

#### **Notice of Appearance Parties, as of June 21, 2018**

*Akin Gump has not represented and currently does not represent these parties.*

#### **Lease Counterparties**

*Akin Gump has in the past represented and currently represents the following companies and/or certain related parties of such companies on matters wholly unrelated to the Debtors' chapter 11 cases:*

Norfolk Southern Railway Company

#### **Litigation Parties**

*Akin Gump has not represented and currently does not represent these parties.*

#### **Rejected Contracts and Leases Parties**

*Akin Gump has in the past represented and currently represents the following companies and/or certain related parties of such companies on matters wholly unrelated to the Debtors' chapter 11 cases:*

Norfolk Southern Railway Company

*Akin Gump has in the past represented the following companies and/or certain related parties of such companies on matters wholly unrelated to the Debtors' chapter 11 cases:*

Transkentucky Transportation Railroad, Inc.

**Accounts Payable**

*Akin Gump has in the past represented the following companies and/or certain related parties of such companies on matters wholly unrelated to the Debtors' chapter 11 cases:*

Foresite Energy

Murray American Energy, Inc.

### **Schedule 3**

#### **Schedule of Searched Parties and/or Certain Related Parties that are Currently, or Have in the Past Been, Adverse to Clients of Akin Gump**

Citadel Equity Fund Ltd.  
ERM-West, Inc.  
FIAM, LLC  
Fidelity Institutional Asset Management  
Trust Company  
Foresite Energy

Marcus Thomas LLC  
Murray American Energy, Inc.  
Norfolk Southern Railway Company  
PJM Interconnection, L.L.C.  
Swagelok Company



#### **Schedule 4**

#### **Schedule of Searched Parties that are Currently Serving, or Have in the Past Served, on Other Informal and/or Official Creditors' Committees Represented by Akin Gump**

Citadel Equity Fund Ltd.

FIAM, LLC

Fidelity Institutional Asset Management Trust Company